

revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the Federal Aviation Administration issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (62 FR 48693). A request for participation in the Pilot Program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

NFTA issued its RFP on July 1, 1999, for Niagara Falls International Airport, Niagara Falls, New York and has not selected a private operator. The filing date of this preliminary application is July 1, 1999, the date the preliminary application was received by the FAA. NFTA may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption.

If FAA accepts the final application for review, the application will be published in the **Federal Register** for public review and comment for a sixty day period.

Issued in Washington, DC on July 30, 1999.

Paul Galis,

Acting Deputy Associate Administrator for Airports.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4603; Notice 2]

Ford Motor Company; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Ford Motor Company, of Dearborn, Michigan, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d), and 30120(h) for a labeling noncompliance with 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection." The basis of the application is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on January 26, 1999, and an opportunity afforded for comment (64 FR 3997).

Paragraph S4.5.1 (b)(3) of FMVSS 208 specifies "Except for the information on an air bag maintenance label placed on the sun visor pursuant to S4.5.1(a) of

this standard, no other information shall appear on the same side of the sun visor to which the sun visor warning label is affixed."

The noncompliance was created when Ford implemented a sun visor label running change on February 13, 1998, on 4x4 models of the Ford F-Series, Ford Expeditions, and Lincoln Navigators, and on 4x2 Navigators equipped with moonroofs. The sun visors are supplied to Ford by Lear Corporation, 21557 Telegraph Road, Southfield, Michigan. Prior to the change, the air bag alert label specified in FMVSS 208 S4.5.1(c), along with the utility vehicle label required by 49 CFR 575.105(c)(1) on 4x4 models and the garage door opener transmitter label on the moonroof equipped Navigator 4x4 and 4x2 models, were all affixed to the driver sun visor on the side visible with the visor in the stowed position. The air bag warning label on these vehicles (required by S4.5.1 (b)(2)) was affixed to the opposite side of the visor. The label running change eliminated the air bag alert, and the air bag warning label was relocated in its place on the side of the visor visible when stowed. However, the utility vehicle label already located on that side of the visor on the 4x4 models, and the garage door transmitter label located on the side directly below the transmitter controls on the moonroof-equipped Navigator visors, were not relocated away from the air bag warning label. This created a noncompliance which was not corrected until May 21, 1998.

Ford supported its application for inconsequential noncompliance with the following reasons:

The transmitter label on the Navigator vehicles (a stick-on label which directs the customer to the Owner Guide for instructions on the operation of the transmitter controls on the visor) is not intended to be permanent, but is designed as a temporary label with the expectation that it will be removed early in the life of the vehicle. Because its early removal is intended, Ford believes the stick-on label will be removed by the customer, or by the dealer after review with the customer during delivery of the vehicle. Ford suggests there is no need for a field action to remove the label.

In summary, Ford believes that the presence of the utility vehicle label or the garage door opener transmitter located two inches or more from the air bag warning label, does not constitute "information overload," nor does it present any risk to motor vehicle safety. Ford requests that the agency find this noncompliance to be inconsequential to motor vehicle safety, and accordingly

that Ford be exempted from the notice and remedy requirements of the statute.

No comments were received on the application.

The agency published a final rule, (64 FR 11724) modifying the rollover warning currently required for certain utility vehicles (49 CFR Section 575.105) to require a more noticeable, understandable warning label and modifying the sun visor air bag warning label requirement, S4.5.1(b)(3) of FMVSS 208, to permit the utility vehicle label to be placed on the same side of the sun visor. The agency stated at 11730:

In response to comments and in light of the results of its literature review, the agency is allowing the utility vehicle label to be placed on either (1) the driver's side sun visor (ether side) or (2) the driver's side window. The agency believes that this will allow manufacturers two alternatives if it is not possible to place both the air bag label and the utility vehicle label on the same side of the sun visor. Allowing manufacturers to put the utility vehicle label on either side of the sun visor, they could choose to put the air bag label on the front, increasing its prominence, if it is not possible to put both labels on the front. Based on its research, allowing both labels on the sun visor should not result in information overload because: (1) There are only 2 hazards being warned about; (2) actions that would avoid both rollover and air bag hazards can be avoided from the driver's seating position; and (3) both hazards have the same degree of seriousness.

Clearly, the action by Ford of placing both the air bag warning label and the rollover warning label on the same side of the sun visor is consistent with the agency's recent final rule, which requires that a rollover alert label, similar to the air bag alert label, be placed on the front of the sun visor if the utility vehicle label is put on the back of the sun visor.

Accordingly, for the reasons expressed above by Ford and stated by the agency in the March 9, 1999 labeling final rule, which amended S4.5.1(b)(3)) FMVSS No. 208, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the agency grants Ford's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: August 2, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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